

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANDY ORTIZ,

*Plaintiff,*

v.

C/O S. BLACKSHEER, et al.,

*Defendants.*

CIVIL ACTION

NO. 21-3101

**ORDER**

**AND NOW**, this 23rd day of August, 2023, upon consideration of Defendants' Motion for Summary Judgment, (ECF 56); Andy Ortiz's Motion to Depose, (ECF 61); Ortiz's Motion to Subpoena Witnesses and Third Parties, (ECF 52); and Defendants' response, (ECF 62), it is hereby **ORDERED** that:

1. Ortiz's Motion to Subpoena Witnesses and Third Parties, (ECF 52), is **GRANTED**.<sup>1</sup> All discovery shall be completed on or before **November 22, 2023**;
2. Ortiz's Motion to Depose, (ECF 61), is **DENIED as moot**;
3. Defendants' Motion for Summary Judgment, (ECF 56), is **DENIED without prejudice**. Defendants may file renewed motions for summary judgment on or before **December 21, 2023**. Responses to any such motions shall be filed on or before **January 22, 2024**.

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<sup>1</sup> The Court interprets Ortiz's Motion as a request, under Federal Rules of Civil Procedure 30(a) and 31(a), for leave to take oral or written depositions of Defendants and fifteen other individuals, ten of whom are in prison. Ortiz may do so pursuant to, and in strict compliance with, those and all other applicable procedural rules and prison rules and regulations. *See Mala v. Crown Bay Marina, Inc.*, 704 F.3d 239, 245 (3d Cir. 2013). The Court reminds Ortiz that he—not the Court or Defendants—is responsible for arranging and noticing the depositions. Fed. R. Civ. P. 30(b) & 31(a)(3), (b). Additionally, Ortiz bears the burden of paying any associated costs. *See Tabron v. Grace*, 6 F.3d 147, 158–59 (3d Cir. 1993).

4. The March 3, 2023 Scheduling Order, (ECF 45), is **VACATED**. A new scheduling order will be issued, if necessary, following the resolution of any motions for summary judgment.

BY THE COURT:

/s/ Gerald J. Pappert  
GERALD J. PAPPERT, J.